

## **REMARKS**

The Official Action mailed September 11, 2007 has been carefully considered. Reconsideration and allowance of the subject application, as amended, are respectfully requested.

### **Claim Amendments**

Independent claims 3, 6, 11 and 18 have been amended to more particularly point out that the claimed sensor assembly includes a housing, and a “bottom surface” of the housing is “vertically spaced” from the activating member (claims 3 and 6) or rail (claims 11 and 18). In addition, the magnetic field sensor (claims 3 and 6) or Hall device (claims 11 and 18) is disposed in the housing and spaced “a fixed distance” from the magnet, and “a north-south axis of the magnet” is “generally parallel” to the sensing surface of the magnetic field sensor or Hall device. Support for these amendments may be found throughout the specification, e.g. at page 8, lines 2-5, page 9, lines 7-8, page 10 to page 11, line 21 and in FIGS. 6A-B, 9-10B, and 19A-19B. No new matter is believed to have been added.

### **Claim Objections**

Claims 3, 6, 11 and 18 have been objected to because of use of the phrase “no member extends.” This phrase has been deleted from claims 3, 6, 11 and 18, and has been clarified by language requiring that the bottom surface of the housing is “vertically spaced” from the activating member (claims 3 and 6) or rail (claims 11 and 18). Applicant respectfully requests therefore that the objection to claims 3, 6, 11 and 18 be withdrawn upon reconsideration.

### **Rejections Under 35 USC §112**

Claims 11-14 were rejected under 35 USC §112, second paragraph, in view of certain language appearing in claim 11. Applicants have deleted the language identified by the Examiner, and request that the rejection of claims 11-14 under 35 USC §112, second paragraph be withdrawn upon reconsideration.

### Rejections Under 35 USC §102

Claims 2-6, 8, 11-14 and 17-19 were rejected under 35 USC §102(b) and §102(e) as being anticipated by Kume et al. (US Patent Application Publication No. 2002/0125396, hereinafter “Kume”).

Independent claims 3, 6, 11 and 18 have been amended to more particularly point out that the claimed sensor assembly includes a housing, and “a bottom surface” of the housing is “vertically spaced” from the activating member (claims 3 and 6) or rail (claims 11 and 18). In addition, the magnetic field sensor (claims 3 and 6) or Hall device (claims 11 and 18) is disposed in the housing and spaced “a fixed distance” from the magnet, and “a north-south axis of the magnet” is “generally parallel” to the sensing surface of the magnetic field sensor or Hall device.

Kume appears to teach a system including a contact lever 5b having a magnet 5d mounted on an end thereof. ¶[0047] and ¶[0049]. The north-south axis of the magnet appears to be disposed generally perpendicular to the sensing surface of the sensor. *See eg. the arrows in FIG. 4.* A sensor 5e is spaced from the end of the lever and adjacent the magnet 5d. *Id.* The opposite end of the contact lever 5b is positioned to contact a contact plate 5c. ¶[0049] and ¶[0050]. Upon contact between the contact lever and contact plate, the lever may rotate about a pivot point to modify the positioning of the magnet 5d relative to the sensor 5e. *Id.*

It is clear, therefore, that Kume does not teach or suggest a system wherein the magnetic field sensor (claims 3 and 6) or Hall device (claims 11 and 18) is spaced “*a fixed distance*” from the magnet, and “*a north-south axis of the magnet*” is “*generally parallel*” to the sensing surface of the magnetic field sensor or Hall device. Indeed, Kume appears to teach the opposite configuration, i.e. the distance between the magnet 5d and the sensor 5e *varies with rotation* of the contact lever, and the north-south axis of the magnet appears to be *generally perpendicular* to the sensing surface of the magnet.

Since Kume fails to teach or suggest all of the limitations of independent claims 3, 6, 11 and 18, Applicants respectfully submit that the claimed invention is not anticipated by Kume. Claims 2, 4-5, 8, 12-14, 17 and 19 depend either directly or ultimately from independent claims 3, 6, 11 or 18. These dependent claims are allowable by virtue of their dependency for the reasons set forth above, as well as for their own recitations. Applicants respectfully request,

therefore, that the rejection of claims 2-6, 8, 11-14 and 17-19 under 35 USC §102(b) and §102(e) as being anticipated by Kume should be withdrawn upon reconsideration.

Having dealt with all the objections raised by the Examiner, it is respectfully submitted that the present application, as amended, is in condition for allowance. Thus, early allowance is earnestly solicited.

If the Examiner desires personal contact for further disposition of this case, the Examiner is invited to call the undersigned Attorney at 603.668.6560.

In the event there are any fees due, please charge them to our Deposit Account No. 50-2121.

Respectfully submitted,

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